

U.S. Patent & Trademark Office, No. 09/304,552  
Attorney Docket No. 10191/3248 (formerly PHN 16.914)  
Appeal Brief

[10191/3248]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

----- X  
In re Application of:

Peter J. T. Van Ravenstein

For: OBSERVATION SYSTEM

Filed: May 4, 1999

Serial No.: 09/304,552

: Examiner: Tung T Vo

: Art Unit: 2613

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AARON C. DEDITCH

**APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37** <sup>(33.865)</sup>

SIR:

In the above-identified patent application ("the present application"), Appellants mailed a Notice Of Appeal on June 15, 2005 from the Final Office Action issued by the U.S. Patent and Trademark Office on December 21, 2004. The Notice of Appeal was filed in the Patent Office on June 20, 2005, so that the two-month appeal brief due date is August 20, 2005, which is extended by one month to September 20, 2005 by the accompanying Transmittal And Petition To Extend.

In the Final Office Action, claims 1 to 15 were finally rejected.

A Response After A Final Office Action (with no amendments) was mailed on June 15, 2005, and an Advisory Action was mailed on July 28, 2005. There were no amendments in the response after final. As understood and believed, all amendments made prior to the Final Office Action have been entered by the Office.

*As to the length of the "concise explanation" of the subject matter defined in each of the claims involved in the appeal (see 41.37), the "concise explanation" language is like*

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*the “concise explanation” requirement of former Rule 37 CFR 1.192. Accordingly, the length of the concise explanation provided is therefore acceptable, since it would have been acceptable under 37 CFR 1.192 and since it specifically defines the subject matter of the independent claims involved in the appeal. In the filing of many appeal briefs under the old rule for the present Assignee, the length of the “concise explanation” has always been accepted by the Patent Office.*

It is therefore respectfully submitted that this Appeal Brief complies with 37 § C.F.R. 41.37. Although no longer required by the rules, this Brief is submitted in triplicate as a courtesy to the Appeals Board.

It is respectfully submitted that the final rejections of claims 1 to 15 should be reversed for the reasons set forth below.

**1. REAL PARTY IN INTEREST**

The real party in interest in the present appeal is Robert Bosch GmbH (“Robert Bosch”) of Stuttgart in the Federal Republic of Germany. Robert Bosch is the assignee of the entire right, title and interest in the present application.

**2. RELATED APPEALS AND INTERFERENCES**

There are no interferences or other appeals related to the present application, which “will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal”.

**3. STATUS OF CLAIMS**

**No claims were previously canceled.**

A. Claims 1 to 15 were finally rejected under 35 U.S.C. § 103(a) as unpatentable over Cotton et al., U.S. Patent No. 4,640,110 (the “Cotton” reference), in view of Herzog et al., U.S. Patent No. 4,703,356 (the “Herzog” reference).

B. Claims 1 to 3 and 5 to 6 were finally rejected under 35 U.S.C. § 103(a) as unpatentable over Tapp, U.S. Patent No. 5,657,076 (the “Cotton” reference), in view of Quirk, GB 2 203 586 (the “Quirk” reference).

C. Claims 1 to 15 were finally rejected as unpatentable under 35 U.S.C. § 103(a) over the “Tapp” reference in view of Johnson, U.S. Patent No. 6,175,373 (the “Johnson” reference).

Appellants therefore appeal from the final rejections of claims 1 to 15. A copy of all of the pending and appealed claims 1 to 15 is attached hereto in the Claims Appendix.

#### **4. STATUS OF AMENDMENTS**

In response to the Final Office Action mailed on December 21, 2004, Appellants mailed a Response After A Final Office Action (which contained no amendments), which was mailed on June 15, 2005. An Advisory Action was mailed on July 28, 2005.

All Amendments prior to the Response After Final are understood and believed to have been entered.

#### **5. SUMMARY OF CLAIMED SUBJECT MATTER**

The concise explanation of the summary of the claimed subject matter is as follows, as described in the context of the present application.

In the context of the exemplary embodiments of the presently claimed subject matter, the presently claimed subject matter relates to an observation system, and to an observation monitor. (See Specification, Page 1, lines 1 to 4).

In other observation systems, a plurality of observation cameras may be connected to a single observation monitor. Many times, nothing happens on the monitor screen, so that an observer may become bored and may therefore miss important events. An object of the presently claimed subject matter is to provide an observation system and an observation monitor which do not suffer from such a disadvantage. (See Specification, Page 1, lines 5 to 15).

In the Figure, and in the context of an exemplary embodiment of the presently claimed subject matter, four cameras A, B, C, D are coupled to a control unit CU, which may further receive an antenna signal from an antenna AN thru a tuner (not shown) to allow an observer to watch a tv program, for example. The control unit CU may also receive, for example, a doorbell signal from a doorbell DB, an alarm signal from a wire cut detector WCD detecting whether a wire W is cut, and/or a movement detection signal from a movement detector. In the exemplary embodiment, the camera A monitors the doorbell DB, while camera B monitors the wire W. An output of the control unit CU is coupled to a

monitor M for displaying the camera signals A, B, C, D (all four together or a selected one of them), or the tv program from the antenna AN. (See Specification, Page 2, lines 19 to 28).

If the doorbell DB is pressed (or some other observation-relevant event occurs), the control unit CU stores a small sequence of images (for example, 16 images at a rate of 2 images per second), half of which may, for example, precede the doorbell-pressing action and half of which may follow the doorbell-pressing action. The images from the cameras are continuously applied to a storage unit and stored upon activation of the doorbell DB or upon some other activity, or if the images of the cameras are continuously spatially and temporally subsampled and delayed, and stored immediately upon receipt of an alarm. The delayed signal is then stored and will show some seconds preceding the alarm as well as some seconds following the alarm. The subsampled images are shown in a picture-in-picture (PIP) window E on the display screen of the monitor M. A known photo-finish PIP (picture-in-picture) IC (integrated circuit) may be used for this purpose. While in the drawing, the PIP image E is shown inserted into image B from camera B among images A, C, D from cameras A, C, D, the image E may also “pop up” while a tv program is shown on the monitor M, or the monitor M may automatically switch over from displaying images received by the antenna AN to (one of) the camera images A, B, C, D with PIP image E repeatedly showing the relevant event. (See Specification, Page 2, line 29 to Page 3, line 12).

The exemplary embodiment of the presently claimed subject matter may be applied in a low-cost black and white observation system. In this observation system there will be an event replay (store and replay) function. If there is an event (doorbell or alarm) then the observation system may store 4 seconds before the event and 4 seconds after the event in a PIP memory. In case of a cable cut disconnecting a camera from the control unit, the last 8 eight seconds before the event occurs, will be stored. During storage of the frames it will display at the same time the frames, in a small (1/8 size) PIP in the right top corner of the screen, in a sequential loop, the stored frames. The displaying speed is at the store sample rate. If there is an event, this replay function will be started automatically after detecting such an event. In case of multiple events on multiple cameras, the system will always switch to the camera corresponding to the latest event, and this latest event will be stored and replayed.

The replay function starts with the oldest stored frame: In 50 and 60 Hz systems the number of stored frames is 16. (See Specification, Page 3, lines 14 to 27).

The exemplary embodiments of the presently claimed subject matter may be implemented by hardware of several distinct elements, and by a suitably programmed computer. Where the claimed subject matter mentions an observation camera and an observation monitor, several of these cameras and/or monitors may be present in the observation system. The sequence can be displayed temporally subsequently in one PIP section E on the display, or as, for example, 16 small pictures spatially adjacent to each other. The control unit CU and the monitor M may be included in one apparatus, or may be provided as separate units as shown in the Figure. (See Specification, Page 4, lines 1 to 9).

**In summary, the presently claimed subject matter of claim 1 is to an observation system, including: an observation camera; and an observation monitor unit coupled to the observation camera, and including means for detecting for observation purposes a relevant event occurring outside the observation system, in which the observation monitor unit includes: means for recording a plurality of images including an image at a time of the event; and means for repeatedly displaying a sequence formed by the plurality of images upon the occurrence of the event. (See claim 1).**

*Finally, the appealed claims include means-plus-function language (but no step-plus-function claims, so that 41.37(v) is satisfied by the following as to its specific requirements for such claims. (The present application does not contain any step plus function claims because the method claims in the present application are not "step plus function" claims because they do not recite "a step for", as required by the Federal Circuit and as stated in Section 2181 of the MPEP).*

*For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) (ARGUMENT) of this section, every means-plus function must be identified and the structure, material or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The description of the means-plus-function language of claim 1, which is argued separately, is as follows:*

Claim 1 includes “means for recording” and “means for repeatedly displaying”. In this regard the specification and Figures for these “means” are as follows:

*According to the Figure and the specification*, for example, In the Figure, and in the context of an exemplary embodiment of the presently claimed subject matter, four cameras A, B, C, D are coupled to a control unit CU, which may further receive an antenna signal from an antenna AN thru a tuner to allow an observer to watch a tv program, for example. The control unit CU may also receive, for example, a doorbell signal from a doorbell DB, an alarm signal from a wire cut detector WCD detecting whether a wire W is cut, and/or a movement detection signal from a movement detector. In the exemplary embodiment, the camera A monitors the doorbell DB, while camera B monitors the wire W. An output of the control unit CU is coupled to a monitor M for displaying the camera signals A, B, C, D (all four together or a selected one of them), or the tv program from the antenna AN. (See Specification, Page 2, lines 19 to 28). The means for repeatedly displaying includes the monitor.

As regards the repeated displaying function of the means for repeatedly displaying, the delayed signal is then stored and will show some seconds preceding the alarm as well as some seconds following the alarm. The subsampled images are shown in a picture-in-picture (PIP) window E on the display screen of the monitor M. A known photo-finish PIP (picture-in-picture) IC (integrated circuit) may be used for this purpose. While in the drawing, the PIP image E is shown inserted into image B from camera B among images A, C, D from cameras A, C, D, the image E may also “pop up” while a tv program is shown on the monitor M, or the monitor M may automatically switch over from displaying images received by the antenna AN to (one of) the camera images A, B, C, D with PIP image E *repeatedly showing the relevant event*. (See Specification, Page 3, lines 3 to 12).

As regards the means for recording, if an observation-relevant event occurs, the control unit CU stores a small sequence of images (for example, 16 images at a rate of 2 images per second), half of which may, for example, precede the doorbell-pressing action and

half of which may follow the doorbell-pressing action. The images from the cameras are continuously applied to a storage unit (which a person having ordinary skill in the art would understand to encompass any suitably appropriate recording and storage device) and stored upon activation of the doorbell DB or upon some other activity, or if the images of the cameras are continuously spatially and temporally subsampled and delayed, and stored immediately upon receipt of an alarm. (See Specification, Page 2, line 29 to Page 3, line 2).

The foregoing represent the means for recording and the means for repeatedly displaying.

**6. GROUND OF REJECTIONS TO BE REVIEWED ON APPEAL**

A. Whether claims 1 to 15 are unpatentable under 35 U.S.C. § 103(a) over Cotton et al., U.S. Patent No. 4,640,110 (the “Cotton” reference), in view of Herzog et al., U.S. Patent No. 4,703,356 (the “Herzog” reference).

B. Whether claims 1 to 3 and 5 to 6 are unpatentable under 35 U.S.C. § 103(a) over Tapp, U.S. Patent No. 5,657,076 (the “Cotton” reference), in view of Quirk, GB 2 203 586 (the “Quirk” reference).

C. Whether claims 1 to 15 are unpatentable under 35 U.S.C. § 103(a) over the “Tapp” reference in view of Johnson, U.S. Patent No. 6,175,373 (the “Johnson” reference).



## **7. ARGUMENT**

### **A. Claims 1 to 15**

#### **The Rejections Under 35 U.S.C. § 103(a) That Claims 1 to 15 Are Obvious Over “Cotton” in view of the “Herzog” Reference**

#### **Claims 1 to 15**

As to obviousness, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim feature and it must also provide a motivation or suggestion for combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)). Thus, the “problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem”, Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998).

Also, to reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

With respect to paragraph one (3) of the Final Office Action, claims 1 to 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cotton et al., U.S. Patent No. 4,640,110, in view of Herzog et al., U.S. patent No. 4,703,356.

*It is respectfully submitted that even if there were some motivation to apply “Herzog” to the primary reference of “Cotton” (which is not conceded), a person having ordinary skill in the art would still not obtain the claimed subject matter. This is because even if it were taken into account that the manual recording of images of “Herzog” could be done when an alarm occurs according to “Cotton”, the person having ordinary skill in the art may (for the purposes of this discussion) arrive at the solution that a sequence is recorded and that according to “Herzog”, the sequence is repeated after a play loop is depressed. However, there is no suggestion that a sequence is displayed upon occurrence of the event, as asserted in the Final Office Action.*

Thus, claim 1 is to an observation system having an observation monitor unit, which includes means for recording a plurality of images including an image at a time of the event, and means for repeatedly displaying a sequence formed by the plurality of images upon the occurrence of the event.

The Office Actions to date assert that the Herzog reference “teach[es] means for repeatedly displaying the sequence formed of [a] plurality of images” and further asserts that it would have been obvious for one of ordinary skill in the art to incorporate the display of Herzog into the observation system of Cotton for the purpose of repeatedly displaying the sequence of images. It is submitted that the asserted motivation to combine the primary Cotton reference with the secondary Herzog references lacks adequate foundation as to the legal standards discussed below.

In the method referred to in the secondary Herzog reference, a recording loop begins *by the manual operation of a button*. (See Herzog, col. 4, lines 32 to 47). The recording fills the available memory space and may be repetitively replayed by manually pressing another “play loop” button. (See Herzog, col. 5, lines 12 to 24). What is missing here is any evidence as to how this manual frame repetition method in any way suggests repeatedly displaying a sequence formed by the plurality of images upon the occurrence of the event as provided for in the context of claim 1. Even there were some motivation for the skilled practitioner to apply the purported disclosures of Herzog reference to those of the primary Cotton reference – which is not admitted – the manual repeat loop of Herzog does not lend itself to the event based repetition claimed because the Herzog process merely prescribes

continuously filling an available memory space with video information upon the pressing of a button (and then making this video data available for repetitive display) without regard to the usefulness of recording a particular frame, whereas the Cotton reference discloses recording a limited amount of video information upon the activation of an alarm. In fact, Cotton specifically explains that:

By using the timed relationship between switch closures, and the sequential relationship between switch closures to define alarm events, activities of employees which are unacceptable will be monitored and recorded, without recording an undue number of normal transactions.

(See Cotton, col. 6, lines 12 to 17)(emphasis added).

In light of the incompatible elements of the processes described in the primary Cotton and secondary Herzog references, a person having ordinary skill would not be motivated to combine the references to provide the presently claimed subject matter and its benefits, as explained in the specification.

Accordingly, claim 1 is allowable.

Regarding claims 2 to 4, 7, 10 and 13, which depend from claim 1, it is respectfully submitted that these claims are allowable for at least the same reasons as claim 1.

Independent claims 5 and 6 as presented also include features like those of claim 1, and are therefore allowable for essentially the same reasons as claim 1.

Claims 8, 11 and 14 depend from claim 5 and are therefore allowable for the same reasons as claim 5.

Claims 9, 12 and 15 depend from claim 6 and are therefore allowable for the same reasons as claim 6.

As further regards all of the obviousness rejections discussed herein, in rejecting a claim under 35 U.S.C. § 103(a), the *Office* bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine,

837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Thus, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim element and it must also suggest combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), *cert. denied*, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)).

Moreover, the “problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem.” (See Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998)). It is respectfully submitted that, as discussed above, the references relied on, whether taken alone or combined, do not suggest in any way modifying or combining the references so as to provide the presently claimed subject matter for addressing the problems and/or providing the benefits discussed in the specification.

The cases of In re Fine, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), and In re Jones, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992), also make plain that the Final Office Action's assertions that it would have been obvious to modify the reference relied upon does not properly support a § 103 rejection. It is respectfully suggested that those cases make plain that the Final Office Action reflects a subjective “obvious to try” standard, and therefore does not reflect the proper evidence to support an obviousness rejection based on the references relied upon. In particular, the Court in the case of In re Fine stated that:

Instead, the Examiner relies on hindsight in reaching his obviousness determination. . . . **One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.**

In re Fine, 5 U.S.P.Q.2d at 1600 (citations omitted; emphasis added). Likewise, the Court in the case of In re Jones stated that:

Before the PTO may combine the disclosures of two or more prior art references in order to establish *prima facie* obviousness, there must be some suggestion for doing so, found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. . . .

**Conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill . . . would have been motivated to make the modifications . . . necessary to arrive at the claimed [invention].**

In re Jones, 21 U.S.P.Q.2d at 1943 & 1944 (citations omitted; italics in original).

That is exactly the case here since it is believed and respectfully submitted that the Office Action reflects hindsight, reconstruction and speculation, which these cases have indicated does not constitute evidence that will support a proper obviousness finding.

More recently, the Federal Circuit in the case of In re Kotzab has made plain that even if a claim concerns a “technologically simple concept” — which is not even the case here, there still must be some finding as to the “specific understanding or principle within the knowledge of a skilled artisan” that would motivate a person having no knowledge of the claimed subject matter to “make the combination in the manner claimed”, stating that:

In this case, the Examiner and the Board fell into the hindsight trap. The idea of a single sensor controlling multiple valves, as opposed to multiple sensors controlling multiple valves, is a technologically simple concept. *With this simple concept in mind, the Patent and Trademark Office found prior art statements that in the abstract appeared to suggest the claimed limitation. But, there was no finding as to the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of Kotzab's invention to make the combination in the manner claimed.* In light of our holding of the absence of a motivation to combine the teachings in Evans, we conclude that the Board did not make out a proper *prima facie* case of obviousness in rejecting [the] claims . . . under 35 U.S.C. Section 103(a) over Evans.

(See In re Kotzab, 55 U.S.P.Q.2d 1313, 1318 (Federal Circuit 2000) (italics added)). Here again, it is believed that there have been no such findings to establish that the features discussed above of the rejected claims are met by the reference relied upon. As referred to

above, any review of the reference relied upon makes plain that it simply does not describe the features discussed above of the claims as now presented.

Thus, the proper evidence of obviousness must show why there is a suggestion as to the reference so as to provide the subject matter of the claims and its benefits.

In short, there is no evidence that the reference relied upon, whether taken alone or otherwise, would provide the features of the claims discussed above. It is therefore respectfully submitted that the claims are allowable for these reasons.

As further regards all of the obviousness rejections of the claims, it is respectfully submitted that not even a *prima facie* case has been made in the present case for obviousness, since the Office Actions to date never made any findings, such as, for example, regarding in any way whatsoever what a person having ordinary skill in the art would have been at the time the claimed subject matter of the present application was made. (See *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998) (the “factual predicates underlying” a *prima facie* “obviousness determination include the scope and content of the prior art, the differences between the prior art and the claimed invention, and the level of ordinary skill in the art”)). It is respectfully submitted that the proper test for showing obviousness is what the “combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art”, and that the Patent Office must provide particular findings in this regard — the evidence for which does not include “broad conclusory statements standing alone”. (See *In re Kotzab*, 55 U.S.P.Q. 2d 1313, 1317 (Fed. Cir. 2000) (citing *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1618 (Fed. Cir. 1999) (obviousness rejections reversed where no findings were made “concerning the identification of the relevant art”, the “level of ordinary skill in the art” or “the nature of the problem to be solved”))). It is respectfully submitted that there has been no such showings by the Office Actions to date or by the Advisory Action.

In fact, the present lack of any of the required factual findings forces both Appellants and this Board to resort to unwarranted speculation to ascertain exactly what facts underly the present obviousness rejections. The law mandates that the allocation of the proof burdens requires that the Patent Office provide the factual basis for rejecting a patent application under 35 U.S.C. § 103. (See *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788

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(Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016, 154 U.S.P.Q. 173, 177 (C.C.P.A. 1967))). In short, the Examiner bears the initial burden of presenting a proper prima facie unpatentability case — which has not been met in the present case. (See *In re Oetiker*, 977 F.2d 1443, 1445, 24, U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992)).

It is therefore respectfully requested that the obviousness rejections be reversed, since claims 1 to 15 are allowable.

**B. Claims 1 to 3, 5 and 6**

**The Rejections Under 35 U.S.C. § 103(a)  
That Claims 1 to 3, 5 and 6 Are Obvious  
Over “Tapp” in view of “Quirk”**

**Claims 1 to 3, 5 and 6**

With respect to paragraph two (2) of the Final office Action, claims 1 to 3, 5 and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tapp, U.S. Patent No. 5,657,076 in view of the British patent document to Quirk, GB 2 203 586.

In particular, regarding the primary Tapp reference, the Office Action admits that it does not disclose repeatedly displaying a sequence as recited in claim 1. The Quirk reference simply does not cure the critical deficiencies of the Tapp reference. The “repeated images” referred to in the Abstract of the Quirk reference are repeated *spatially and not temporally* as is clearly stated on page 1, lines 23 to 26 which indicate that the purported electronic screens “may form a repeated image or the individual images may form a mosaic of a larger image.” (emphasis added). It is clear from the specification of the present application that the claimed repeated display occurs over time, and it is therefore submitted that the combined Tapp and Quirk references do not disclose or suggest all of the features of claim 1, which is therefore allowable over the references relied upon.

*In short, it is respectfully submitted that the secondary “Quirk” reference does not cure the critical deficiencies of the “Tapp” reference. This is because “Quirk” repeats the images spatially on several displays and therefore shows the same image on several displays at the same time.*

Claims 2 and 3 depend from claim 1, and are therefore allowable for at least the same reasons as claim 1.

Independent claims 5 and 6 as presented also include features like those of claim 1, and are therefore allowable for essentially the same reasons as claim 1.

It is therefore respectfully requested that the obviousness rejections of claims 1 to 3, 5 and 6 be reversed.

### **C. Claims 1 to 15**

#### **The Rejections Under 35 U.S.C. § 103(a) That Claims 1 to 15 Are Obvious Over “Tapp” in view of the “Johnson” Reference**

#### **Claims 1 to 15**

*The “Johnson” reference addresses an entirely different problem, so that a person having ordinary skill in the art would not have any motivation to combine “Tapp” and “Johnson”. Even if combined, a person having ordinary skill in the art would not obtain the claimed subject matter because the secondary “Johnson” reference does not cure the critical deficiencies of the primary “Tapp” reference. In particular, the “Johnson” reference does not disclose or suggest the feature of repeatedly displaying a sequence. Instead, the “Johnson” reference refers to displaying each buffer only once and not repeatedly (see Figures 4a and 4b). Also, the graphic refresh of “Johnson” is not performed upon the occurrence of an event.*

Also, regarding the primary Tapp reference, as explained above, the Office Action admits that it does not disclose the feature of repeatedly displaying a sequence as provided for in the context of claim 1.

The Office Actions to date admit that the primary reference does not repeatedly display a sequence as provided for in the context of the claim. The secondary Johnson reference does not cure this critical deficiency since even if it were proper to combine the reference (which it is not), the “graphics refresh” feature purportedly described in the Johnson reference is not performed upon the occurrence of the event as is the repetition of the display as in claim 1.



Still further, the secondary reference does not concern security systems, and is only directed to providing buffers for a video system, in which only one of the video data portions in the buffer is selectively displayed to provide non-genlocked (non-synchronized) live video on a computer system. Thus, the secondary reference is directed to addressing an entirely different problem than is addressed by the presently claimed subject matter in which a sequence formed by a plurality of images is displayed upon occurrence of the event. Put another way, the primary Tapp reference does not disclose using a repetition of images pertinent to a security-threatening event (such as, for example, images of the pertinent location from before and after an event) to cause alarm and promote security. The Johnson reference similarly does not disclose or suggest repeating images pertinent to a security-threatening event to cause alarm and promote security. Accordingly, the combination of Tapp and Johnson does not disclose or suggest this important aspect of the claimed subject matter.

Accordingly, claim 1 is allowable.

Claims 2 to 4, 7, 10 and 13 depend from claim 1, and are therefore allowable for at least the same reasons as claim 1.

Independent claims 5 and 6 as presented also include features like those of claim 1, and are therefore allowable for essentially the same reasons as claim 1.

Claims 8, 11 and 14 depend from claim 5 and are therefore allowable for the same reasons as claim 5.

Claims 9, 12 and 15 depend from claim 6 and are therefore allowable for the same reasons as claim 6.

It is therefore respectfully requested that the obviousness rejections be withdrawn, since claims 1 to 15 are allowable.

Accordingly, claims 1 to 15 are allowable, and it is therefore respectfully requested that the all of the obviousness rejections be reversed.

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CONCLUSION

In view of the above, it is respectfully requested that the rejections of the finally rejected claims 1 to 15 be reversed, and that these claims be allowed as presented.

Dated: \_\_\_\_\_

9/20/2005

Respectfully submitted,

By: \_\_\_\_\_

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**CUSTOMER NO. 26646**

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[10191/2217]

CLAIMS APPENDIX

1. (Previously Presented) An observation system, comprising:
  - an observation camera; and
  - an observation monitor unit coupled to the observation camera, and including means for detecting for observation purposes a relevant event occurring outside the observation system;wherein the observation monitor unit includes:
  - means for recording a plurality of images including an image at a time of the event; and
  - means for repeatedly displaying a sequence formed by the plurality of images upon the occurrence of the event.
2. (Previously Presented) The observation system of claim 1, wherein the plurality of images includes images preceding the event.
3. (Previously Presented) The observation system of claim 1, wherein the sequence is displayed in PIP form.
4. (Previously Presented) The observation system of claim 1, wherein in the case of multiple events, a sequence including a latest of the multiple events is repeatedly displayed.
5. (Previously Presented) A method of observing a complex, the method comprising:
  - using at least one observation camera and an observation monitor unit coupled to the at least one observation camera, and detecting for observation purposes a relevant event occurring outside of the camera and monitor unit a plurality of images including an image at a time of the event; and
  - repeatedly displaying a sequence formed by the plurality of images upon occurrence of the event.
6. (Previously Presented) An observation monitor control unit, comprising:
  - means for receiving camera signals;
  - means for receiving event detection signals indicating for observation purposes a relevant event occurring outside the observation system;

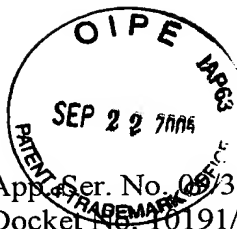
means for recording a plurality of sub-sampled images including an image at a time of the relevant event to repeatedly supply a sequence formed by the plurality of sub-sampled images.

7. (Previously Presented) The observation system of claim 1, wherein the means for repeatedly displaying a sequence displays at least the sequence of at least the plurality of images recorded from the time of the event while the observation camera displays a live image of the area in which the event was recorded by the means for recording.
8. (Previously Presented) The observation system of claim 5, wherein the observation repeatedly displays the sequence formed by at least the plurality of images recorded from the time of the event while the at least one observation camera displays a live image of the event area.
9. (Previously Presented) The observation system of claim 6, wherein the means for receiving camera signals continuously receives live signals for a predetermined time from the relevant event so that the current status and the recorded event status can display both images.
10. (Previously Presented) The observation system of claim 1, wherein the plurality of images includes images preceding the event, wherein the sequence is displayed in PIP form, and wherein in the case of multiple events, a sequence including a latest of the multiple events is repeatedly displayed.
11. (Previously Presented) The method of claim 5, wherein the plurality of images includes images preceding the event, wherein the sequence is displayed in PIP form, and wherein in the case of multiple events, a sequence including a latest of the multiple events is repeatedly displayed.
12. (Previously Presented) The observation monitor control unit of claim 6, wherein the plurality of sub-sampled images includes images preceding the event, wherein the sequence is displayed in PIP form, and wherein in the case of multiple events, a sequence including a latest of the multiple events is repeatedly displayed.
13. (Previously Presented) The observation system of claim 10, wherein the means for repeatedly displaying a sequence displays at least the sequence of at least the plurality of images recorded from the time of the event while the observation camera displays a live image of the area in which the event was recorded by the means for recording.

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14. (Previously Presented) The observation system of claim 11, wherein the observation repeatedly displays the sequence formed by at least the plurality of images recorded from the time of the event while the at least one observation camera displays a live image of the event area.

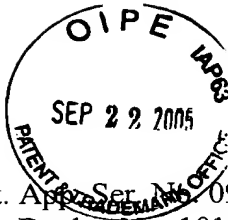
15. (Previously Presented) The observation system of claim 12, wherein the means for receiving camera signals continuously receives live signals for a predetermined time from the relevant event so that the current status and the recorded event status can display both images.



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EVIDENCE APPENDIX

Appellants have not submitted any evidence pursuant to 37 CFR Sections 1.130, 1.131 or 1.132, and do not rely upon evidence entered by the Examiner.



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RELATED PROCEEDINGS INDEX

There are no interferences or other appeals related to the present application.